

**Introduced by Senator Hancock**

February 22, 2012

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An act to amend Section 1318.1 of the Penal Code, relating to criminal procedure.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 1180, as introduced, Hancock. Criminal procedure: release on defendant's own recognizance.

Existing law authorizes a court, with the concurrence of the county board of supervisors, to employ an investigative staff for the purpose of recommending whether a defendant should be released on his or her own recognizance. In cases involving certain crimes, including violent felonies, an investigative report is required to be prepared that includes specified information, including outstanding warrants against the defendant and prior incidents where the defendant has failed to make a court appearance.

This bill would also authorize a law enforcement agency, probation department, or other agency, with the concurrence of the board of supervisors, to employ an investigative staff for the purpose of recommending whether a defendant should be released on his or her own recognizance in accordance with those provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 1318.1 of the Penal Code is amended to  
2     read:

1 1318.1. (a) A court, *law enforcement agency, probation*  
2 *department, or other agency*, with the concurrence of the board  
3 of supervisors, may employ an investigative staff for the purpose  
4 of recommending whether a defendant should be released on his  
5 or her own recognizance.

6 (b) Whenever a court, *law enforcement agency, probation*  
7 *department, or other agency* has employed an investigative staff  
8 pursuant to subdivision (a), an investigative report shall be prepared  
9 in all cases involving a violent felony, as described in subdivision  
10 (c) of Section 667.5, or a felony in violation of subdivision (a) of  
11 Section 23153 of the Vehicle Code, recommending whether the  
12 defendant should be released on his or her own recognizance. The  
13 report shall include all of the following:

14 (1) Written verification of any outstanding warrants against the  
15 defendant.

16 (2) Written verification of any prior incidents where the  
17 defendant has failed to make a court appearance.

18 (3) Written verification of the criminal record of the defendant.

19 (4) Written verification of the residence of the defendant during  
20 the past year.

21 After the report is certified pursuant to this subdivision, it shall  
22 be submitted to the court for review, prior to a hearing held  
23 pursuant to Section 1319.

24 (c) The salaries of the staff are a proper charge against the  
25 county.